

**Notice of Allowability**

Application No.

09/656,868

Examiner

Jason E. Mattis

**Applicant(s)**

VEENEMAN, DALE E.

Art Unit

2616

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the amendment filed 2/27/06.
2.  The allowed claim(s) is/are 1-7, 9-10, 12-16, 18-24, 26-27, 29-33, and 36, renumber as claims 1-29 respectively.

3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some\*    c)  None    of the:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 5/11/06.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

**DETAILED ACTION**

1. This Office Action is in response to the amendment filed 2/27/06. Claims 1-7, 9-10, 12-16, 18-24, 26-27, 29-33, and 36 are currently pending in the application.

**EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joel Wall on 5/11/06.

The application has been amended as follows:

**IN THE CLAIMS:**

**Amendments to claim 1:**

On line 4 of claim 1, the first and second "," (commas) have been deleted, the word "as" has been deleted, and the phrase "a test loop" has been deleted and has been replaced by the word "being", such that line 4 of claim 1 now reads as follows:

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"identifying an equivalent loop **being** different from the existing telephone loop,"

On line 5 of claim 1, the phrase "the test loop" has been deleted such that line 5 of claim 1 now reads as follows:

"being limited to a straight physical loop of a particular length and a particular gauge,"

On line 9 of claim 1, the word "and" has been added after the ":" (semicolon) such that line 9 of claim 1 now reads as follows:

"characteristics of the equivalent loop; **and**"

On line 11 of claim 1, the ":" (semicolon) and the word "and" have been deleted and replace by a "." (period), such that line 11 of claim 1 now reads as follows:

"performance for the equivalent loop."

The phrase "determining a DSL capacity of the existing telephone loop from the topological description of the existing telephone loop;" has been moved from lines 12-13 of claim 1 and is now placed after line 3 and before line 4 of claim 1.

The phrase "wherein the identifying includes using the DSL capacity to identify the equivalent loop" has been moved from line 14 of claim 1 and is now placed between

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the word "loop" and the ";" (semicolon) on line 7 of claim 1, and a "," (comma) has been added after the word loop on line 7 of claim 1, such that line 7 of claim 1 now reads as follows:

**"existing telephone loop, wherein the identifying includes using the  
DSL capacity to identify the equivalent loop;"**

The "." (period) has been deleted from the end of line 14.

**Amendments to claim 18:**

Lines 14-16 of claim 18 have been deleted.

On line 6 of claim 18, the first and second "," (commas) have been deleted, the word "as" has been deleted, and the phrase "a test loop" has been deleted and has been replaced by the word "being", such that line 6 of claim 18 now reads as follows:

**"identify equivalent loops **being** different from the customer telephone"**

On line 11 of claim 18, the word "and" has been added after the "," (comma) such that line 11 of claim 18 now reads as follows:

**"characteristics of the equivalent loops, **and**"**

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On line 13 of claim 18, the "," (comma) and the word "and" have been deleted and replace by a "." (period), such that line 13 of claim 18 now reads as follows:

"DSL performance for the equivalent loops."

The phrase "determine a DSL capacity of each of the customer telephone loops from the received information for the customer telephone loops," has been inserted between lines 5 and 6 of claim 18.

On line 9 of claim 18, the phrase "wherein the DSL capacity corresponding to each of the customer telephone loops is used to identify the equivalent loops," has been added after the "," such that line 9 of claim 18 now reads as follows:

"customer telephone loops based on the received information, **wherein the DSL capacity corresponding to each of the customer telephone loops is used to identify the equivalent loops,**"

***Allowable Subject Matter***

3. Claims 1-7, 9-10, 12-16, 18-24, 26-27, 29-33, and 36 are allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason E. Mattis whose telephone number is (571) 272-3154. The examiner can normally be reached on M-F 8AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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